THIS ARMS CONTROL DOG WON'T HUNT: THE PROPOSED FISSILE MATERIAL CUT-OFF TREATY AT THE CONFERENCE ON DISARMAMENT

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INSS Occasional Paper 36

Arms Control Series

January 2001

USAF Institute for National Security Studies
USAF Academy, Colorado

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FOREWORD

We are pleased to publish this thirtieth-sixth volume in the *Occasional Paper* series of the US Air Force Institute for National Security Studies (INSS). This paper is particularly timely, as it addresses emerging issues based in the changing forms and norms of post-Cold War arms control. These issues confront United States strategic planners and the national security policy community today, and they promise to have increasing impact into the future. As traditional arms control—with its focus most centrally on limiting and then reducing fielded U.S. and Soviet/Russian strategic systems—evolves into multilateral and multidimensional efforts to stem the now-central threat of proliferation, the whole landscape of arms control changes. The players, the multiple agendas, the role of international organizations in addition to the traditional focus on states all increase the complexity of the game and the difficulties in forging successful and verifiable international agreement at the very time when the problems of proliferation rise to the top of national security calculations. Guy Roberts explains this complexity and its effects on arms control—placing process over product and forcing those serious about controlling fissile materials to go in search of varied avenues and approaches—to educate us all on the emerging "rules of the game."

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JAMES M. SMITH
Director

EXECUTIVE SUMMARY

The proliferation of fissile materials, the key ingredients to making nuclear weapons, is a major threat to international peace and security. The lack of adequate controls over such materials in the former Soviet Union, the growth of civilian produced fissile material inventories, the development of a nuclear weapons capability by states not members of the Nuclear Nonproliferation Treaty (NPT), and clandestine programs by rogue states have heightened the concern that these materials will be used in illicit new programs. To stem the flow of these materials, the United States has embarked on a number of bilateral and multilateral initiatives as part of its nonproliferation strategy. Since 1993, a key component of that strategy is the negotiation of a Fissile Material Cutoff Treaty (FMCT) in the Conference on Disarmament.

The United States' concept of an FMCT follows closely the outlines of such an agreement as contained in the 1993 UN resolution calling for a "nondiscriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices." The proposed treaty would ban the production of fissile material for nuclear weapons or other nuclear explosive devices. It would not address stockpiles (previously produced) of fissile materials. It would not apply to non-fissile materials, nor would it apply to exotic materials such as tritium or americium. Further, it would not apply to fissile materials not used for weapons purposes. This is particularly important with regards to naval propulsion systems.

The idea of restricting the production of fissile materials as an arms control measure dates from as early as 1946, and it has resurfaced numerous times since. A principal difference between those earlier proposals and the current proposal is that this version is packaged as a nonproliferation measure primarily designed to place a check on the

weapons programs of the so-called "threshold" states; Israel, India, and Pakistan. It is also viewed as an arms control measure by engaging these nations in a limited, palatable process of capping expansion of their nuclear weapons programs and those of the Nuclear Weapons States (U.S., Russia, China, France, Great Britain). Absent the participation of the threshold states, the FMCT becomes essentially irrelevant since NPT parties are required to have safeguards agreements with the International Atomic Energy Agency (IAEA) and not produce fissile materials for weapons purposes unless they one of the Nuclear Weapon States.

The negotiations for an FMCT have stalled in the Conference on Disarmament (CD) for over five years, and could easily be called a failure. There is no real agreement on the scope of the proposed FMCT, with some states insisting that existing stocks be included in the negotiations. There is no consensus on the duration of such an agreement, the materials to be covered, and transparency and verification measures. Verification of such an agreement is problematic as the experiences with Iraq and North Korea have demonstrated.

Israel, while not objecting to the negotiations, will not accept an FMCT until a Middle East Peace Agreement is reached, and India and Pakistan remain lukewarm at best over the proposal, even after their nuclear weapons tests in 1998, because of perceived unfairness by preserving inequities between the nuclear weapons states (NWS) and the rest of the world. Subsequently, China (and then Russia) have held the talks hostage to agreement on negotiating nuclear disarmament, an agreement to prohibit arms in outer space, and the termination of the United States' efforts at development of a national missile defense system. All efforts at reviving the talks have been futile.

A number of alternatives to the talks at the CD have merit. These include talks among the NWS and threshold states, initiating bilateral discussions similar to the U.S.-Russia agreements, more active

involvement of the IAEA, and pursuing other confidence building and transparency measures. However, all of these have little chance of success absent the political will of the parties concerned to pursue them. The futility of this effort raises anew concerns about the entire process and the viability of the CD. Pressure will continue to mount for the United States to provide concessions for the sake of agreement but at the expense of important national security considerations. Arms control measures will not resolve the reasons that have precipitated the proliferation of fissile materials. Consequently, the United States will be better able to pursue its nonproliferation objectives through bilateral diplomacy encouraging the development of democratic institutions and peaceful resolution of regional disputes.